

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DERRICK MURRELL,

Defendant.

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CASE NO. 8:05CR392

ORDER

This matter is before the Court on the Defendant's pro se motion to reduce his sentence as a result of crack cocaine Amendment 706 to the sentencing guidelines (Filing No. 64). Counsel was appointed. (Filing No. 65.)

The Defendant pleaded guilty to Counts I and V of the Indictment. Count I charged a conspiracy to distribute and possess with intent to distribute 50 grams or more of crack cocaine, resulting in a statutory minimum sentence of 10 years. The Defendant was sentenced to 120 months imprisonment on Count I. Count V relates to criminal forfeiture.

Even with the change in offense level as a result of Amendment 706, the Defendant was sentenced to the mandatory minimum sentence and, therefore, he is not entitled to a reduction under Amendment 706. *United States v. McGuire*, 524 F.3d 891, 892 (8th Cir. 2008).

IT IS ORDERED that the Defendant's pro se motion to reduce his sentence as a result of crack cocaine Amendment 706 to the sentencing guidelines (Filing No. 64) is denied.

DATED this 26th day of September, 2008.

BY THE COURT:

S/Laurie Smith Camp
United States District Judge